

**ORDINANCE NO. 20091210-058**

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 709 WEST 22<sup>ND</sup> STREET IN THE WEST UNIVERSITY NEIGHBORHOOD PLAN AREA FROM MULTIFAMILY RESIDENCE MODERATE HIGH DENSITY-NEIGHBORHOOD PLAN (MF-4-NP) COMBINING DISTRICT TO COMMERCIAL-LIQUOR SALES-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (CS-1-CO-NP) COMBINING DISTRICT.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from multifamily residence moderate high density-neighborhood plan (MF-4-NP) combining district to commercial-liquor sales-conditional overlay-neighborhood plan (CS-1-CO-NP) combining district for an area measured from ground level to a height of 16 feet on the property described in Zoning Case No. C14-2009-0129, on file at the Planning and Development Review Department, as follows:

A 1,113 square foot (0.026 acre) tract of land, more or less, out of Outlot 24, Division D of the Government Outlots, City of Austin, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance (the "Property"),

locally known as 709 West 22<sup>nd</sup> Street, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

**PART 2.** Except as specifically provided in Part 3 and Part 4 of this ordinance, the Property may be developed and used in accordance with the regulations established for the commercial-liquor sales (CS-1) base district, and other applicable requirements of the City Code.

**PART 3.** The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

The following uses are prohibited uses of the Property:

Agricultural sales & services	Automotive rentals
Automotive repair services	Automotive sales
Automotive washing (of any type)	Building maintenance services

Campground  
Communication services  
Convenience storage  
Electronic prototype assembly  
Equipment sales  
Funeral services  
Indoor entertainment  
Laundry service  
Off-site accessory parking  
Outdoor sports & recreation  
Plant nursery  
Research services  
Software development  
Veterinary services  
Communication services  
Community recreation (public)  
Counseling services  
Family home  
Group home, Class II (limited)  
Guidance services  
Local utility services  
Private primary educational facilities  
Public primary educational facilities  
Residential treatment  
Cocktail lounge  
Adult oriented businesses

Commercial off-street parking  
Construction sales & services  
Drop-off recycling collection facility  
Equipment repair services  
Exterminating services  
Hotel-motel  
Kennels  
Medical offices (exceeding 5000 sq.ft.  
of gross floor area)  
Pawn shop services  
Professional office  
Service station  
Vehicle storage  
College & university facilities  
Community recreation (private)  
Congregate living  
Cultural services  
Group home, Class I (general)  
Group home, Class II  
Hospital services (limited)  
Maintenance & service facilities  
Private secondary educational facilities  
Public secondary educational facilities  
Safety services  
Limited warehousing & distribution  
Business support services

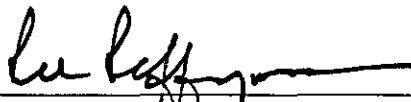
**PART 4.** The Property is subject to Ordinance No. 040826-57 that established the West University neighborhood plan combining district.

**PART 5.** This ordinance takes effect on December 21, 2009.

**PASSED AND APPROVED**

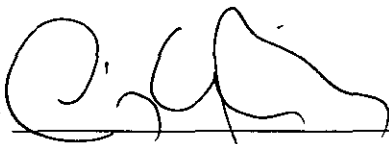
December 10, 2009

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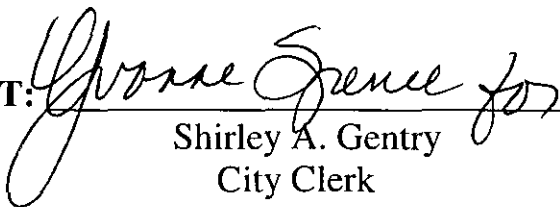
Leo Leffingwell  
Mayor

**APPROVED:**



David Allan Smith  
City Attorney

**ATTEST:**



Shirley A. Gentry  
City Clerk

EXHIBIT "A"  
1,113 SQUARE FEET  
WEST CAMPUS PARTNERS  
709 WEST 22<sup>ND</sup> STREET

(ZONING AGREEMENT)  
FN. NO. 09-211(KWA)  
SEPTEMBER 01, 2009  
BPI JOB NO. 1159-34.91

#### DESCRIPTION

OF A 1,113 SQUARE FEET TRACT OF LAND OUT OF OUTLOT 24, DIVISION "D" OF THE GOVERNMENT OUTLOTS ADJACENT TO THE CITY OF AUSTIN, SITUATED IN THE CITY OF AUSTIN IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF CERTAIN 0.998 ACRE TRACT OF LAND CALLED TRACT II CONVEYED TO WEST CAMPUS PARTNERS LIMITED PARTNERSHIP BY DEED OF RECORD IN DOCUMENT NO. 2005080044 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 1,113 SQUARE FEET BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING**, at a 1/2 inch iron rod found at the intersection of the easterly right-of-way line of Pearl Street (60' R.O.W.) and the northerly line a 16 foot wide alley, being the southeasterly corner of said Tract II;


**THENCE**, N18°59'12"E, along the easterly right-of-way line of Pearl Street, being the westerly line of said Tract II, a distance of 18.87 feet to a calculated point for the **POINT OF BEGINNING** and southwesterly corner hereof;

**THENCE**, N18°59'12"E, continuing along the easterly right-of-way line of Pearl Street, being the westerly line of said Tract II and hereof, a distance of 43.00 feet to a calculated point for the northwesterly corner hereof, from which a 1/2 inch iron rod found at the intersection of said easterly right-of-way line of Pearl Street and the southerly right-of-way line of West 22nd Street (60' R.O.W.), for the northwesterly corner of said Tract II bears N18°59'12"E, a distance of 131.14 feet;

**THENCE**, leaving the easterly right-of-way line of Pearl Street, over and across said Tract II, with the northerly, easterly and southerly lines hereof, the following three (3) courses and distances:

- 1) S71°01'35"E, a distance of 25.87 feet to a calculated point for the northeasterly corner hereof;
- 2) S18°58'25"W, a distance of 43.00 feet to a calculated point for the southeasterly corner hereof;
- 3) N71°01'35"W, a distance of 25.88 feet to the **POINT OF BEGINNING**, containing an area of 1,113 square feet (0.026 acre of land), more or less, within these metes and bounds.

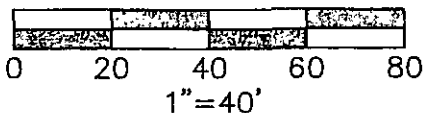
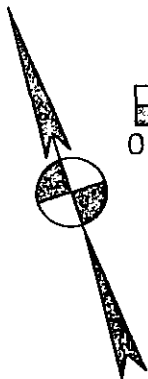
BURY+PARTNERS, INC.  
ENGINEERS-SURVEYORS  
221 WEST SIXTH STREET, SUITE 600  
AUSTIN, TEXAS 78701

 9/1/09  
JOHN T. BILNOSKI, R.P.L.S.  
NO. 4998  
STATE OF TEXAS

#### REFERENCES

TCAD MAP. NO. 2-1201  
AUSTIN GRID J-23





**WEST 22ND STREET**  
(60' R.O.W.)

**LINE TABLE**

LINE	BEARING	LENGTH
L1	N18°59'12"E	18.87
L2	S71°01'35"E	25.87
L3	N71°01'35"W	25.88

**PEARL STREET**  
(60' R.O.W.)

OUTLOT 24 DIVISION "D"

ZONED "MF-4-NP"  
5-STORY BRICK & STONE BUILDING  
709 WEST 22ND STREET

**1,113 SQ. FT.**  
(0.026 ACRE)

0.998 ACRES — TRACT II  
WEST CAMPUS PARTNERS  
LIMITED PARTNERSHIP  
DOCUMENT NO. 2005080044

P.O.B.

L1

P.O.C.

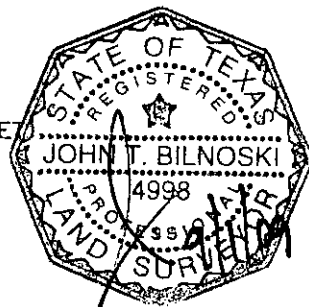
S70°56'59"E 225.26  
**16' ALLEY**

**LEGEND**

- 1/2" IRON ROD FOUND
- ▲ PK NAIL FOUND
- △ CALCULATED POINT
- P.O.C. POINT OF COMMENCEMENT
- P.O.B. POINT OF BEGINNING

**BEARING BASIS:**

THE BEARING BASIS FOR THIS SURVEY IS THE WESTERLY RIGHT-OF-WAY LINE OF RIO GRANDE STREET AS SHOWN ON HARDIN'S NO. 1, A SUBDIVISION OF RECORD IN BOOK 79, PAGE 190. BEARING: S19°01'W



**Bury+Partners**  
ENGINEERING SOLUTIONS  
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Austin, Texas 78701  
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**SKETCH TO ACCOMPANY DESCRIPTION**  
OF A 1,113 SQUARE FEET TRACT OF LAND OUT OF OUTLOT 24, DIVISION "D" OF THE GOVERNMENT OUTLOTS ADJACENT TO THE CITY OF AUSTIN, SITUATED IN THE CITY OF AUSTIN IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN 0.998 ACRE TRACT OF LAND CALLED TRACT II CONVEYED TO WEST CAMPUS PARTNERS LIMITED PARTNERSHIP BY DEED OF RECORD IN DOCUMENT NO. 2005080044 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

**SIMMONS  
VEDDER &  
COMPANY**

This map has been produced by G.I.S. Services for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.